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NOTICE OF ALLOWANCE AND FEE(S) DUE

28848 7590 11/20/2012
TOPE-MCKAY & ASSOCIATES
30765 PACIFIC COAST HIGHWAY #420
MALIBU, CA 90265

EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2648

DATE MAILED: 11/20/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/690,574

10/17/2000

Mike Daily

HRL048

3531

TITLE OF INVENTION: AUDIO ON LOCATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1770

\$0

\$0

\$1770

02/20/2013

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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MALIBU, CA 90265

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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09/690,574 10/17/2000 Mike Daily HRL048 3531

TITLE OF INVENTION: AUDIO ON LOCATION

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nonprovisional NO \$1770 \$0 \$0 \$1770 02/20/2013

EXAMINER	ART UNIT	CLASS-SUBCLASS
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FERGUSON, KEITH 2648 455-461000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER	
FERGUSON, KEITH	

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1181 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1181 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability

Application No.

09/690,574

Examiner

KEITH FERGUSON

Applicant(s)

DAILY ET AL.

Art Unit

2648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/22/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 4,9,10,13,16,21,22,24,29,30,34,38 and 41-64.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

DETAILED ACTION

Part III EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Marcus Risso on November 8, 21010.

The application has been amended as follows:

Claims 1-3,5-8,11,12,14,15,17-20,23,25-28,31-33,35-37,39 and 40 have been canceled.

In claim 4, it has been changed to -- 4. An audio information transmission device comprising: a user interface, a position detection system, an information server, and a playback manager, wherein, the user interface provides a user with an ability to submit queries to a database, and further provides location-specific information back to the user; the position detection system is comprised of a variety of complementary devices that provide user position data to assist with the user-generated queries;

Art Unit: 2648

the information server provides a means for communicating the queries and the position data to the database, and further provides a means for communicating references to the playback manager; the playback manager provides a means for delivering location-specific information to the user interface, wherein said position detection system further provides orientation data to assist with user-generated queries; and wherein said location-specific information is spatially enhanced based on the user position and orientation data to appear to be coming from a location or object with which the information is associated. --;

In claim 9, it has been changed to -- 9. An audio information transmission device comprising: a user interface, a position detection system, an information server, and a playback manager, wherein, the user interface provides a user with an ability to submit queries to a database, and further provides location-specific information back to the user; the position detection system is comprised of a variety of complementary devices that provide user position data to assist with the user-generated queries; the information server provides a means for communicating the queries and the position data to the database, and further provides a means for communicating references to the playback manager; and the playback manager provides a means for delivering location-specific information to the user interface, wherein said position detection system further provides orientation data to assist with user-generated queries; and wherein said location specific information has an ability to be user-annotated or user-modified.--;

In claim 13, it has been changed to -- 13. An audio information transmission device comprising: a user interface, a position detection system, an information server, and a playback manager, wherein, the user interface provides a user with an ability to submit queries to a database, and further provides location-specific information back to the user; the position detection system is comprised of a variety of complementary devices that provide user position data to assist with the user-generated queries; the information server provides a means for communicating the queries and the position data to the database, and further provides a means for communicating references to the playback manager; the playback manager provides a means for delivering location-specific information to the user interface, wherein said position detection system further provides orientation data to assist with user-generated queries; and configured to provide location-specific information based on an expected user destination determined from the user orientation data.--;

In claim 16, it has been changed to --16. A method of providing audio information comprising acts of: providing a user interface whereby a user submits queries to a database; utilizing a position detection system comprised of a variety of position devices to generate a user position; communicating the queries and the position data through an information server to the database; communicating location-specific information through the information server to a playback manager; utilizing the playback manager to send the information to the user interface; utilizing the user-interface to communicate the information to the user, wherein the position detection

Art Unit: 2648

system further collects user orientation data; and wherein said location-specific information is spatially-enhanced based on the user position and orientation data to appear to be coming from an area or object with which the information is associated.--;

In claim 21, it has been changed to -- 21. A method of providing audio information comprising acts of: providing a user interface whereby a user submits queries to a database; utilizing a position detection system comprised of a variety of position devices to generate a user position; communicating the queries and the position data through an information server to the database; communicating location-specific information through the information server to a playback manager; utilizing the playback manger to send the information to the user interface; utilizing the user-interface to communicate the information to the user, wherein the position detection system further collects user orientation data; and wherein said location-specific information has an ability to be user-annotated or user-modified.--;

In claim 24, it has been changed to -- 24. A method of providing audio information comprising acts of: providing a user interface whereby a user submits queries to a database; utilizing a position detection system comprised of a variety of position devices to generate a user position; communicating the queries and the position data through an information server to the database; communicating location-specific information through the information server to a playback manager; utilizing the playback manger to send the information to the user interface; utilizing the user-

Art Unit: 2648

interface to communicate the information to the user, wherein the position detection system further collects user orientation data; and configured to provide location-specific information based on expected user destination inferred from the user orientation data.--
;

In claim 29, it has been changed to --29. An information delivery system comprising: a database comprised of data associated with a plurality of specific geographic locations; a user interface allowing a user to determine a user-specified-specific-geographic location; a position detection system capable of providing the user-specified-specific-geographic location; and an information server associated with the database and the user interface, wherein the information server assists with querying the database based upon the user-specified-specific-geographic location and returns data associated with the user-specified-specific geographic location to the user through the user interface, wherein the position detection system further provides orientation data to assist with user-generated queries; and wherein the data associated with the user-specified-specific-geographic location provided to the user is based upon an expected user destination determined from the orientation data.--;

In claim 30, it has been changed to -- 30. An information delivery system comprising: a database comprised of data associated with a plurality of specific geographic locations; a user interface allowing a user to determine a user-specified-specific-geographic location; a position detection system capable of providing the user-

Art Unit: 2648

specified-specific-geographic location; and an information server associated with the database and the user interface, wherein the information server assists with querying the database based upon the user-specified-specific-geographic location and returns data associated with the user-specified-specific geographic location to the user through the user interface, wherein the position detection system further provides orientation data to assist with user-generated queries; and wherein the data associated with the user-specified-specific-geographic location is spatially enhanced based on the user's position and orientation to appear to be coming from a location with which the data is associated.--;

In claim 34, it has been changed to -- 34. An information delivery system comprising: a database comprised of data associated with a plurality of specific geographic locations; a user interface allowing a user to determine a user-specified-specific-geographic location; a position detection system capable of providing the user-specified-specific-geographic location; an information server associated with the database and the user interface, wherein the information server assists with querying the database based upon the user-specified-specific-geographic location and returns data associated with the user-specified-specific geographic location to the user through the user interface, wherein the position detection system further provides orientation data to assist with user-generated queries; and wherein a user may annotate or modify the data associated with the plurality of specific geographic locations in the database.--;

In claim 38, it has been changed to -- 38. A method for information delivery comprising acts of: choosing a user-specified-specific-geographic location by utilizing a position detection system, wherein the user-specified-specific-geographic location is a user's position; querying a database based upon the user-specified-specific-geographic location; returning data associated with the user-specified-specific-geographic location to a user, wherein the position detection system further provides user orientation data; and wherein the act of returning the data further comprises an act of spatially enhancing the data based on the user's position and orientation data to appear to be coming from a location with which the data is associated.--;

In claim 41, it has been changed to -- 41. A method for information delivery comprising acts of: choosing a user-specified-specific-geographic location by utilizing a position detection system, wherein the user-specified-specific-geographic location is a user's position; querying a database based upon the user-specified-specific-geographic location; returning data associated with the user-specified-specific-geographic location to a user, wherein the position detection system further provides user orientation data; and allowing a user to modify or annotate data associated with a plurality of specific geographic locations.--.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH FERGUSON whose telephone number is (571)272-7865. The examiner can normally be reached on 7:am-4:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Keith T. Ferguson/
Primary Examiner, Art Unit 2648
November 8, 2012